



EnCana Oil & Gas (USA) Inc.

370 17th Street
Suite 1700
Denver, CO 80202

tel: (303) 623-2300
fax: (303) 623-2400
www.encana.com

November 17, 2008

Todd Tucker
401 Locust Street
P.O. Box 435
Frederick, CO 80530

Dear Todd,

EnCana Oil & Gas (USA) Inc. ("EnCana") is requesting that the Town of Frederick grant a waiver to the Frederick Land Use Code 9.8.b.1 regarding setbacks from proposed oil and gas wells to platted parcels. EnCana is proposing to drill 5 new oil and gas wells within the setback area, as defined in the Code as 150 feet. As currently proposed, the wells are staked approximately 20 feet from the property line of the Yardley Wetlands parcel. Enclosed is a detailed drawing showing the proposed wellsite.

EnCana has worked with Town staff and the surface owner to stake these wells in a location that suits both parties. Specific constraints such as wetlands area, proposed future development, and existing disturbances were all taken into consideration when these locations were agreed upon. This waiver is essential to allow necessary future development on the parcel.

The waiver will not alter the essential character of the neighborhood or district nor will it diminish the value, use or enjoyment of the adjacent property. EnCana is aware of the close proximity to the wetlands and will therefore take extra precaution during our operations to protect those wetlands. Specifically by having additional secondary containment berms around the operations area, and permanent tertiary containment on the facilities.

The need for this waiver request is not the result of any practical difficulties or unnecessary hardship created by the applicant, and if approved, will not create a conflict with the Comprehensive Plan or impair the intent and purpose of the existing Code.

Sincerely,

Melanie Holt
Regulatory Analyst
EnCana Oil & Gas (USA) Inc.

Encl.

Review Criteria Analysis

In addition to all the requirements of the Waiver Application as defined in Appendix A of the Frederick Land Use Code, EnCana Oil and Gas (USA) Inc. meets the following criteria for a waiver.

Waiver Criteria

The condition of any waiver authorized shall be stated in writing in the minutes of the Board of Trustees with the justifications set forth. Waivers may be granted only if they meet the following criteria:

- 1) The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of the adjacent property.
- 2) The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provision which are in question.
- 3) Such practical difficulties or unnecessary hardship has not been created by the applicant.



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March 4, 2009

Todd Tucker
Planner
Town of Frederick
401 Locust Street
Frederick, CO 80530

RE: Ray Nelson/Yardley Waiver Application Questions

The following addresses each of the questions:

- The tank battery and containment is about 40 feet wide. If so, can we ensure that the site disturbance is no more than 50 feet from the property line, and that the north, east and southern sides of that disturbance will be reclaimed to the edge of the tank battery containment?
 - Per COGCC rules, the tank battery must be 2 times the diameter of the largest tank (in this case 31') from the property line. The berm and additional disturbances will extend to a maximum of 67 feet from the property line. In order to ensure disturbance is no more than 50 feet from the property line, the tanks will need to be moved to 14 feet from the property line; a waiver needs to be secured from the offsetting property owner and a variance granted by the COGCC and it is uncertain at this time if both parties will agree to waive the setbacks.
- How much area around the burner will remain un-vegetated – is this like 5 feet typically?
 - The area around the burner that will remain un-vegetated is approximately 8 feet
- After construction - what are the minimum and maximum distances of operations and disturbances for the proposed facilities on the east side of the property line (i.e. will there be a gravel pad or bare ground extending 5 feet east of the proposed facilities? How much of the drill rig layout will be returned to its pre construction condition?
 - There will be approximately an 8 foot buffer of packed ground (not gravel) around the tank and separator berms. The area between the tanks and separators generally does not get revegetated fully as there is some truck traffic. Other than that, the disturbance of the drilling rig layout will be returned to its pre-construction condition.

- When do you anticipate starting operations? Note that we need to burn the site in the near future and we will start our construction process for the trail, hopefully before water flows. In addition water will flow into the wetland starting April 1, so the site will start to get soggy pretty soon.
 - Timing of operations is largely dependent on permit approvals; therefore likely the earliest we could start would be mid to late summer.
- Please revise the drawings to show: direction of flow in Boulder/Weld County Ditch; note where existing gather line connects NE of property; all necessary operational plan, permit list; and flood plain data.
 - Site plan has been revised. Please note no flood plain data was found for this parcel.
- Please provide wildlife impact data and a copy of materials required to verify compliance with state environmental requirements.
 - According to the COGCC, this parcel does not fall within a wildlife sensitive area therefore there are no special considerations for compliance. Attached is the map we used to determine this.
- Please also note that a building permit is required for all construction located within the Town limits.
 - A building permit will be obtained from the Town of Frederick prior to any construction.
- Has the wetlands been delineated?
 - The wetlands have been delineated and a copy of that delineation report and letter from COE verifying the determination is attached.

Should you have any questions with this response or any other questions related to this application, please contact me at (720) 876-5013.

Sincerely,



Melanie Holt
Regulatory Analyst
EnCana Oil & Gas (USA) Inc.



EnCana Oil & Gas (USA) Inc.

EnCana Oil & Gas (USA) Inc.
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September 15, 2008

Mr. Terry McKee
U.S. Army Corps of Engineers
9307 South Wadsworth Blvd.
Littleton, Colorado 80128-6901

Re: Wetland Delineation Review

Subject: Proposed Drilling Site
SE/4 , Section 32, T2N, R68W, 6th P.M.
Weld County, Colorado

GPS Coordinates: 40 deg. 05 min. 26.89 sec N
105 deg. 01 min. 28.96 min. W

Dear Terry,

On September 5, 2008, at the request of our land department, I conducted a wetlands delineation in the SE/4 of section 32, 2N, 68 W in Weld County. The area I inspected involves a grassy area situated between a plowed field and a small irrigation ditch structure to the east. The wetlands in this area are sustained on a seasonal basis from seepage from the Lower Boulder Ditch. The eventual end point of the drainage from this area is the Milavec Lake Recreation area located adjacent to WCR # 13 in Frederick, Colorado. I have marked the approximate well stake on a Google Earth photo (see attached photo with a yellow pin marking the well stake location).

It is approximately 150 feet from the edge of the cultivated field to the west edge of a small irrigation ditch which runs parallel to the boundary of the cultivated field in a northwesterly direction. Between the edge of the field and the ditch is an area approximately 150 feet wide containing numerous varieties of grasses and forbes. From the edge of the field to approximately 100 feet east are found brome, Orchard, Fescue, and Foxtail. From 100 – 130 feet are found Switch grass and Canary Grass. From 130 feet to 150 feet the soil becomes slightly moist to the touch. Vegetation near the ditch is Milkweed and Pig Weed interspersed with a variety of the aforementioned grasses. The small ditch structure hosts cat tails.

Mr. Terry McKee
September 15, 2008
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I would describe the area from 120 – 150 feet east of the field as a transitional wetland area. Please confirm, if possible, that construction of a drilling pad involving the area from the edge of the field to an area 120 feet east would not create an impact to any jurisdictional wetlands structure.

If you feel that a site visit is required, please give me a call and I will meet you at the site at your convenience. Please give me a call if you have any questions or comments.

Sincerely,

L.C. "Cliff" Roberts, ASCE
Civil Engineer/EHS Coordinator

Attachment: Google Earth Photo

Pc: David Hill, EnCana
Joe Kauffman, EnCana
Rob Thomas, EnCana
Cathi Boles, EnCana
Melanie Holt, EnCana
Scott Mason, EnCana



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 S. Wadsworth Boulevard
LITTLETON, COLORADO 80128-6901

September 24, 2008

Mr. L.C. Roberts
EnCana Oil & Gas (USA) Inc.
1313 Denver Ave., Bldg #1
Ft. Lupton, CO 80621

RE: Proposed Drilling Site
Corps File No. NWO-2008-2472-DEN

Dear Mr. Roberts:

Reference is made to your September 15, 2008 letter concerning the above-referenced project located in the SE ¼ of Section 32, T2N, R68W, Weld County, Colorado.

This project has been reviewed by Mr. Terry McKee of my office in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States.

Based on the information provided, a Department of the Army (DA) Permit will not be required for work at this site. Although a DA Permit will not be required for the project, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

If there are any questions call Mr. Terry McKee of my office at (303) 979-4120 and reference Corps File No. NWO-2008-2472-DEN.

Sincerely,

J. Scott Frankham
for Timothy T. Carey
Chief, Denver Regulatory Office

tm

COGCC GIS Online

